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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hallin et al :
Application No. 10/760,564 :
Filed: January 20, 2004 :
Attorney Docket No. 36381 :

This is a decision on the petition, filed March 25, 2005, under 37 CFR 1.313(a) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a submission pursuant to 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865, 14873 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 54 (Apr. 11, 2000).

The instant petition is not accompanied by any of the above.

Petitioner should be aware that even though the examiner acted on the petition under 37 CFR 1.48, prematurely, a decision had not been rendered on the petition under 37 CFR 1.313(a). Also, petitioner submitted a paper entitled "Request For Withdrawal Of Foreign Priority Claim and Foreign Priority Claim" on March 25, 2005, which may require further search by the examiner. The issue fee was due on or before May 25, 2005. There is no indication that the issue fee was received on or before the due date of May 25, 2005. Petitioner is advised that the filing of a petition to withdraw from issue did not toll the period for payment of the issue fee. Therefore, the application stands **Abandoned** for failure to pay the issue fee.

Petitioner may consider filing a petition to revive under 37 CFR 1.137(b), and a petition in compliance with 37 CFR 1.313(c)(2).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

A handwritten signature in black ink, appearing to read "Karen Creasy". The signature is fluid and cursive, with the first name "Karen" being more legible than the last name "Creasy".

Karen Creasy
Petitions Examiner
Office of Petitions